



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,824	06/15/2001	Masaya Umemura	500.4021400	6606

24956 7590 05/09/2006

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

EXAMINER

BORISOV, IGOR N

ART UNIT PAPER NUMBER

3639

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/880,824

Applicant(s)

UMEMURA ET AL.

Examiner

Igor Borissov

Art Unit

3639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/21/2006 has been entered.

Response to Amendment

Amendment received on 2/21/2006 is acknowledged and entered. Claims 1-19 have been canceled. New Claims 20-32 have been added. Claims 20-32 are currently pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyashita (US 5,397,883) in view of Sehr (US 6,085,976).

Clam 20. Miyashita teaches an automatic ticket-examining apparatus, comprising:

- a ticket slot into which the ticket is entered (C. 3, L. 15-21);
- a pickup port for ejecting the ticket (C. 3, L. 21-24);
- a controller (C. 4, L. 42-43);

a first antenna covering a long distance service area (a person sensor with a long distance service area) (C. 5, L. 4);

a second antenna covering a nearby service area (an antenna disposed on a surface of said ticket examiner) (C. 3, L. 44-52); and

a communication module which sends a call to a medium of a user (communication means (91) provided on a surface of said ticket examining apparatus (Fig. 1) and based on non-contact electromagnetic contact scheme with a user's medium) (C. 3, L. 44-52),

wherein said controller, in response to detection of the user medium by the communication module through the first antenna, receives information of the ticket from the user medium (the use of the controller indicates storing data) thereby indicating stopping calling to the user medium in response to communication with the medium (C. 5, L. 1-9).

Miyashita does not specifically teach that said controller, in response to detection of the user medium, requests authentication of the ticket information to a center apparatus, and generates printing data based on the ticket information in response to a result of the reference that the ticket is valid,

and wherein the controller, in response to detection of the user medium through the second antenna, prints the printing data stored on the controller on a slip using a printer to transport the printed slip to the pickup port.

Sehr teaches a travel system utilizing multi-application passenger card, including a passenger station that controls access to a railroad, said station is equipped with smart card reader/writer units; a travel center that provides the computerized means for the selection, payment and issuance of passenger cards (means for issuing a ticket), said travel center coupled to said station; and Bank/Financial Institution that facilitates the electronic process between the passenger and travel centers (service provider), said Bank/Financial Institution is coupled to said travel center (Fig. 2; C. 7, L. 25-57); and Encrypt/Decrypt means for encrypting or decrypting uploaded or downloaded card-related data (C. 19, L. 6-12), and means for issuing a ticket (C. 7, L. 31), wherein user's

medium is referred to upon exiting of said user at the passenger station. (C. 23, L. 42-46).

It would have been obvious to one having ordinary skill in the art to modify Miyashita to include means connected to a financial institution for decrypting said collected information and making a settlement based on said evaluation through said financial institution, as disclosed in Sehr, because it would advantageously provide security for the system by preventing possible financial fraud. And it would have been obvious to one having ordinary skill in the art to modify Miyashita and Sehr to include means for issuing a ticket, as disclosed in Sehr, because it would provide convenience for the passenger to obtain a new ticket at the gate if a passenger's old ticket is unacceptable.

Claim 21. Same reasoning as applied to Claim 20.

Claim 22. Said system, wherein the sensor is an optical sensor (Miyashita; C. 3, L. 53-55).

Claim 23. Said system, further comprising a gate (Miyashita; Fig. 1; C. 3, L. 12-14).

Claims 24-29 and 31-32. Same reasoning as applied to Claim 20. Information as to certain functionalities disclosed by the "wherein" clauses, indicates the intended use of the system, and does not recite a structural element. So as claimed invention is directed to a *system*, said language is given no patentable weight.

MPEP 2106 (II) (C) states: "Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation."

Claim 30. Sehr teaches that the user medium is an IC card (C. 6, L. 15-25).

Response to Arguments

Applicant's arguments filed 2/21/2006 have been fully considered but they are not persuasive.

In response to applicant's argument that the prior art fails to disclose a plurality of antennas of which the covering service area are different from each other, it is noted that Miyashita does, in fact, disclose this feature. Specifically Miyashita teaches a first antenna covering a long distance service area (a person sensor with a long distance service area) (C. 5, L. 4); and a second antenna covering a nearby service area (an antenna disposed on a surface of said ticket examiner) (C. 3, L. 44-52).

In response to applicant's argument that the prior art fails to disclose that the ticket examiner includes means for issuing (printing) a ticket to the user of the user medium, it is noted that Sehr teaches a passenger station that controls access to a railroad, said station is equipped with smart card reader/writer units (ticket examiners), and a travel center coupled to said station that provides means for issuance of passenger cards (means for issuing a ticket), (Fig. 2; C. 7, L. 25-57).

Conclusion

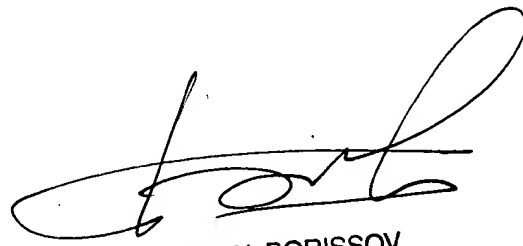
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 703-305-4649. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703-308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3639

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IB

5/04/2006



IGOR N. BORISSOV
PRIMARY EXAMINER